

2015

SL 2014-120 Report Lincoln County Environmental Health

2015 Annual Report for Lincoln County

Part 1A: Lincoln County On-Site Wastewater Program: Standardize Certain Regulatory Review Procedures

Reference Session Law 2014-120, Section 29.(b).

Background: The Lincoln County Environmental Health staff receives Regulatory Submittals for review under multiple scenarios as provided for in statute and rule. The processes for each type of review are described below.

- I. Systems with design daily flows $\geq 3,000$ total gallons per day [15A NCAC 18A .1938(e)] or for treatment of industrial process wastewater (IPWW) [15A NCAC 18A .1938(f)].
 - A. Receive application
 - B. Assign staff
 - C. Notify state regarding need for review and convey materials to the State
 - D. Assist the State with processes outlined in Part 1A, Section I of the State report
- II. Design plans and specifications pursuant to Rule .1938(f). *(This is typically an engineered design that does not specifically require State review but the local department requests State assistance regarding one or more aspects of the design.)*
 - A. Receive application
 - B. File a Request for Review describing which elements of the Submittal the OSWP should review.
 - C. Convey the Regulatory Submittal and Request to Review to the OSWP.
 - D. Assist the State with processes outlined in Part 1A, Section II.B of the State report
- III. Design daily flow review pursuant to Rule .1949; *(The local health department is only requesting assistance with determination of the proposed flow for a facility.)*
 - B. Receive application
 - C. File Request for Review for a proposal submitted based on Rule .1949 and convey it to the OSWP with the Regulatory Submittal.
 - D. Assist the State with processes outlined in Part 1A, Section II.A of the State report
- IV. Design plans and specifications pursuant to Rule .1948(d); *(Proposals intended to overcome an UNSUITABLE classification)*
 - B. Receive application
 - C. File Request for Review for a proposal submitted based on Rule .1948(d) and convey it to the OSWP with the Regulatory Submittal.

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- D. Assist the State with processes outlined in Part 1A, Section II.C of the State report

- V. Design plans and specifications for flow reduction utilizing low-flow fixtures or low-flow technologies pursuant to Session Law 2013-413 or 2014-120. *(These submittals may be submitted to the State on a case-by-case basis. In those cases, procedures outlined in Section II above apply.)* The procedure below is for reviews conducted on the local level only.
 - B. Receive application
 - C. Conduct Review
 - D. Provide a response to the Submitting Party that includes:
 - a. *An approval of the system* engineering plans and specifications, or
 - b. *A request for revisions* that include:
 - (a) A section detailing any required revisions with citation of applicable statute or rule(s);
 - (b) A section detailing any suggested or recommended revisions based upon current knowledge base (guidance, manuals or standards of practice).
 - c. *A request for additional information* that includes:
 - (a) A section detailing any required additional information with citations of applicable statute or rule(s) and;
 - (b) A section detailing any suggested additional information based upon current knowledge base (guidance, manuals, or standards of practice).

- VI. Any other Regulatory Submittal for onsite wastewater system permitting
 - B. Receive application
 - C. Conduct Review
 - D. Provide a response to the Submitting Party that includes:
 - a. *An approval of the system* plans and specifications, or
 - b. *A request for revisions* that include:
 - (a) A section detailing any required revisions with citation of applicable statute or rule(s);
 - (b) A section detailing any suggested or recommended revisions based upon current knowledge base (guidance, manuals or standards of practice).
 - c. *A request for additional information* that includes:
 - (a) A section detailing any required additional information with citations of applicable statute or rule(s) and;
 - (b) A section detailing any suggested additional information based upon current knowledge base (guidance, manuals, or standards of practice).

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**Part 1B: Lincoln County Food, Lodging, Institutional & Pool Programs:
Standardize Certain Regulatory Review Procedures**

Reference Session Law 2014-120, Section 29.(b).

- I. Background: The Lincoln County Environmental Health staff acting as authorized agents of the Department review individual food establishment plans. Plans for construction of public swimming pools are also reviewed by local health department staff acting as agents of the Department with technical assistance from the FPF staff. Plan review checklists are used to assure uniform review for compliance with the rules.
 - A. A Food Service Plan Review Application form and guidance are provided to assure all needed information is in order for approval.
 - B. A public Swimming Pool Plan Review Checklist is used to check pool plans to assure all safety requirements and circulation system components are able to meet the water quality requirements.

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Part 2A: Lincoln County On-Site Wastewater Program: Informal Internal Review Processes

and

Procedures to Develop and Maintain a List of Review Engineers

Reference Session Law 2014-120, Section 29.(c).

Lincoln County Environmental Health will default to the State mechanism described in their report. We will reference Part 2A Section III of the State report for an Informal Internal Review Process and Part 2A Section IV of the State report for developing and maintaining a list of PEs for Informal Internal Reviews:

- I. If a Submitting Party requests an Informal Internal Review of an engineered design, the request will be forwarded to the State in accordance with Part 2A Section III of the State report.
- II. A list of PEs available for Informal Internal Reviews will be developed in accordance with Part 2A Section IV of the State report.

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**Part 2B: Lincoln County Food, Lodging, Institutional & Pool Programs: Informal
Internal Review Processes**

and

Procedures to Develop and Maintain a List of Review Engineers

Reference Session Law 2014-120, Section 29.(c).

- I. This guidance is applicable to Regulatory Submittals which may be submitted by an engineer or architect for food establishment or public swimming pools and may apply to plans submitted for institutions that provide health care, confinement or educational services.
 - A. When plan approval is not granted on a submittal, the submitting party is notified of which rules are not met and what problems need to be corrected upon resubmittal.
 - B. If resubmittal does not fully comply with the rules, the process of resubmittal may be repeated or notification will be given that the plans are not approved, what rules are not met, and what the formal appeals procedure is, explaining that there is a 30-day window for formal appeals.
 - C. Differences of opinion regarding the interpretation of a rule may be resolved through an informal review as provided in rule 15A NCAC 18A .2676.

**15A NCAC 18A .2676 INFORMAL REVIEW PROCESS AND APPEALS
PROCEDURE**

- (a) If a permit holder disagrees with a decision of the local health department on the interpretation, application, or enforcement of the rules of this Section the permit holder may:
 - (1) Request an informal review pursuant to Paragraphs (d) and (e) of this Rule; or
 - (2) Initiate a contested case in accordance with G.S. 150B.
- (b) The permit holder is not required to complete the alternative dispute resolution prior to initiating a contested case in accordance with G.S. 150B.
- (c) When a petition for a contested case is filed, the informal review process shall terminate.
- (d) If the permit holder requests an informal review, the request shall be in writing and shall be postmarked or hand delivered to the local health department within seven days of notice of the decision giving rise to the review. The request shall state the issues in dispute. If the inspection giving rise to the informal review was conducted by the Environmental Health Supervisor in the county or area where the food establishment is located, or when the county or area has only one registered environmental health specialist assigned to inspect food establishments, the Environmental Health Regional Specialist assigned to that county or area shall conduct the local informal review. As

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soon as possible, but at least within 30 days of receipt of the request, the person conducting the review shall contact the permit holder, provide that permit holder an opportunity to be heard on the issues in dispute and issue a written decision addressing the issues raised in the appeal. Copies of the decision shall be mailed to the permit holder and to the State Health Director. That decision shall be binding for the purposes of future inspections of the establishment in question unless modified pursuant to Paragraph (e) of this Rule or by the State Health Director.

(e) Following receipt of the written decision of the Environmental Health Supervisor or his or her representative issued pursuant to Paragraph (d) of this Rule, the permit holder who initiated the informal review may appeal the resulting decision to an Informal Review Officer designated by the Department to be responsible for final decisions on appeals from throughout the state. Notice of such appeal shall be in writing, shall include a copy of the Environmental Health Supervisor's or his or her representative's decision, and shall be postmarked or hand-delivered to the local health department and to the

Department within seven days of receipt of the written decision issued pursuant to Paragraph (a) of this Rule. Within 35 days of receipt of this appeal, the designated Informal Review Officer shall hold a conference in Wake County. At least 10 days prior to the conference, the Informal Review Officer shall provide notice of the time and place of this conference to the permit holder and the Environmental Health Supervisor for the county or area where the issue arose. Within 10 days following the date of the conference, the Informal Review Officer shall issue a written decision addressing the issues raised in the appeal and that decision shall be binding for purposes of future inspections of the establishment in question unless modified pursuant to Paragraph (g) of this Rule or by the State Health Director.

(f) If the decision on appeal at the local or state level results in a change in the score resulting from an inspection of an establishment, the regulatory authority shall post a new grade card reflecting that new score.

(g) Appeals of the decision of the designated Informal Review Officer shall be in accordance with G.S. 150B.

(h) Nothing in this Rule shall impact the right of a permit holder to a reinspection pursuant to Rule .2661 of this Section.

History Note: Authority G.S. 130A-248; S.L. 2011-394, Section 15(a); Eff. September 1, 2012.

- II. A list of PEs available for Informal Internal Reviews will be developed in accordance with Part 2B Section III of the State report.

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**Part 3A: Lincoln County On-Site Wastewater Program: Review of Working Job
Titles**

Reference Session Law 2014-120, Section 29.(h).

- I. Lincoln County Environmental Health does not have any employees with a working job title that includes the term “engineer”.

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Part 3B: Lincoln County Food, Lodging, Institutional & Pool Programs: Review of Working Job Titles

Reference Session Law 2014-120, Section 29.(h).

- I. Lincoln County Environmental Health does not have any employees with a working job title that includes the term “engineer”.

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Lincoln County Informal Reviews

Reference Session Law 2014-120, Section 29.(h).

Lincoln County Environmental Health did not use the informal review process during 2015.